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10/791,630	03/01/2004	Robert Raszuk	CISC853	3104
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Cindy S. Kaplan			JEAN GILLES, JUDE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/791,630

**Applicant(s)**

RASZUK, ROBERT

**Examiner**

JUDE J. JEAN GILLES

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.3.5-21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.3.5-21 and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in Reply to communication filed on 03/13/2009.

#### ***Response to Amendment***

1. In this reply, claims 1, 18-21, and 23-29 are amended. Claims 1, 3, 5-21, and 23-29 are pending in this application, And represent "TECHNIQUES FOR AUTOMATICALLY CREATING AN IBGP MESH".

#### ***Response to arguments***

2. Applicant's Request for Reconsideration filed on 3 03/13/2009 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main point of contention.

Applicant asserts that the prior art of record fails to teach or suggest the BGP peering information comprising static configuration parameters used to establish a BGP peering session. The Examiner disagrees. In lines 53-67 of col. 4, Jacob teaches BGP processor capable of processing messages and exchange sync information (which can be static parameters as known in the art) during BGP sessions.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unbehagen et al (hereinafter Unbe) U.S. Application No. 20050097203 A1, in view of Jacobson et al (hereinafter Jacob) 7120792 B1.

Regarding claim 1, Unbe teaches a method establishing a BGP mesh in a network (fig. 2), comprising:

receiving-BGP peering information flooded from a network device-to the BGP peering information comprising static configuration parameters (par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) and used to establish a BGP peering session; and

automatically discovering at least one neighbor utilizing said received BGP peering information (par. 0005, and 0020); and

automatically establishing said BGP peering session with said at least one neighbor to establish a BGP mesh (0005-0006).

However, Unbe does not teach the details of "flooded BGP peering information from a network device " and "parameters used to establish a BGP peering" as stated above. Nonetheless, this feature is well-known in the art and would have been an obvious modification as evidenced by Jacob. In the same field of endeavor, Jacob

discloses a system and method that employs a flooding technique , in which a route processor communicates only with adjacent route processors and a number of border routers from which routing information is received, to communicate BGP information...(see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67). Accordingly, it would have been obvious for an ordinary skill in the art, at the time the invention was made, to have incorporated the technique of Jacob within the structure of Unbe, for the purpose of developing a flooding technique that does not require a separate connection between every router processor, and dramatically reduces the resources required to communicate border gateway protocol (BGP) and other routing information" as stated by Jacob as a key advantage (see Summary if invention, col 2, 38-41). By this rationale, claim 1 is rejected.

Regarding claims 3, 5-21, and 23-29, the combination Unbe-Jacob teaches:

Claim 2 (canceled).

Claim 3 (original): The method of claim 1, wherein the network device is a router or route reflector (Unbe; 0017, devices 16).

Claim 4 (canceled).

Claim 5 (original): The method of claim 1, wherein the BGP peering information comprises a BGP identifier (Unbe; par. 0026, fig. 3B).

Claim 6 (original): The method of claim 1, wherein the BGP peering information comprises a flooding protocol (Unbe; 00005, 0020).

Claim 7 (original): The method of claim 6, wherein the flooding protocol is OSPF or ISIS (Jacob; col. 1, 40-63).

Claim 8 (original): The method of claim 1, wherein the BGP peering information comprises a flooding scope (Jacob; col. 1, 40-63; col. 2, 26-42).

Claim 9 (currently amended): The method of claim 1, wherein the BGP peering information comprises an autosynchronous system (AS) number or confederation sub-AS number (Jacob; col. 1, 40-63; col. 2, 26-42).

Claim 10 (original): The method of claim 1, wherein the BGP peering information comprises a force new peering flag and a new peering address (Unbe; 0018-0020).

Claim 11 (original): The method of claim 1, wherein the BGP peering information comprises an originator flag (Unbe; 0018).

Claim 12 (original): The method of claim 11, wherein the BGP peering information comprises an address family identifier (Unbe; 0028).

Claim 13 (original): The method of claim 1, wherein the BGP peering information comprises a route reflector flag (Unbe; 0028, 0019-0020).

Claim 14 (original): The method of claim 13, wherein the BGP peering information comprises an address family identifier (Unbe; 0028).

Claim 15 (original): The method of claim 13, wherein the BGP peering information comprises a cluster identifier (Unbe; 0028, 0020).

Claim 16 (original): The method of claim 1, wherein the BGP peering information comprises an old BGP identifier (Unbe; 0028, 0019-0020).

Claim 17 (original): The method of claim 1, wherein the BGP mesh is an iBGP mesh (Unbe; 0006, and 0027).

Claim 18 (currently amended): A network system that establishes a BGP mesh in a network (Unbe; fig. 2), comprising:

a first network device flooding BGP peering information comprising static configuration parameters (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) used to establish a BGP peering session (see Jacob, col. 4 lines 53-67); and

at least one other network device that receives the BGP peering information, automatically discovers at least one neighbor utilizing said received BGP peering information (see Unbe; par. 0005, and 0020),

automatically establishes said BGP session with the at least one neighbor to establish a BGP mesh (Unbe; 0005-0006); see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 19 (currently amended): A computer-readable storage medium encoded with a computer program that establishes a BGP mesh in a network (Unbe; fig. 2), the computer program comprising:

computer code that configures a processor to receive-flood BGP peering information flooded from a network device the BGP peering information comprising static configuration parameters (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) used to establish a BGP peering session (see Jacob, col. 4 lines 53-67);

computer code that configures a processor to automatically discover at least one neighbor utilizing said received BGP peering information (see Unbe; par. 0005, and 0020); and

computer code that automatically establishes a BGP session with the at least one neighbor to establish a BGP mesh (Unbe; 0005-0006); see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 20 (currently amended): A network system that establishes a BGP mesh in a network, comprising:

a-means for the BGP peering information comprising static configuration parameters (Unbe; par. 0019, and 0020; *note configuration information such and identifier for the VPN*) used to establish a BGP peering session (see Jacob, col. 4 lines 53-67);



means for automatically discovering at least one neighbor utilizing said received BGP peering information (see Unbe; par. 0005, and 0020); and

means automatically establishing a BGP session with the at least one neighbor to establish a BGP mesh (Unbe; 0005-0006); see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 21 (currently amended): A method of establishing a BGP mesh in a network (Unbe; fig. 2), comprising:

receiving BGP peering information from a network device (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) the BGP peering information comprising static configuration parameters used to establish a BGP peering session (see Jacob, col. 4 lines 53-67);

analyzing the BGP peering information to identify at least one neighbor, and

performing a BGP session with the at least one neighbor to establish a BGP mesh (see Unbe; par. 0005-0006, and 0020); and flooding the received BGP peering information at least one other network device (Unbe; 0005-0006); see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 22 (canceled).

Claim 23 (currently amended): A network system that establishes a BGP mesh in a network (Unbe; fig. 2), comprising:

a first network device that receives BGP peering information, analyzes the BGP peering information to identify at least one neighbor, performs a BGP session with the at least one neighbor to establish a BGP mesh, and floods the BGP peering information (see Unbe; par. 0005, and 0020; also see fig. 2 ); and

a second network device that receives the BGP peering information from the first network device (see Unbe; par. 0005, and 0020; see also fig. 2).

Claim 24 (currently amended): A computer-readable storage medium encoded with a computer program that establishes a BGP mesh in a network (Unbe; fig. 2), the computer program comprising:

computer code that receives BGP peering information (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*); the BGP peering information comprising static configuration parameters used to establish a BGP peering session (see Jacob, col. 4 lines 53-67);

computer code that analyzes the BGP peering information to identify at least one neighbor (see Unbe; par. 0005, and 0020);

computer code that performs a BGP session with the at least one neighbor to establish a BGP mesh (see Unbe; par. 0005-0006, and 0020); and

computer code that floods the BGP peering information ; see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 25 (currently amended): A network system that establishes a BGP mesh in a network (Unbe; fig. 2), comprising:

a-means for receiving BGP peering information (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) the BGP peering information comprising static configuration parameters used to establish a BGP peering session (see Jacob, col. 4 lines 53-67);

;

a-means for analyzing the BGP peering information to identify at least one neighbor (see Unbe; par. 0005, and 0020);

a-means for performing a BGP session with the at least one neighbor to establish a BGP mesh (see Unbe; par. 0005-0006, and 0020); and

a-means for flooding the received BGP peering information ; see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 26 (currently amended): A method of establishing an iBGP mesh in a network (Unbe; fig. 2), comprising:

receiving flooding iBGP peering information flooded from a network device-to the BGP peering information comprising static configuration parameters (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN; also see 0022*) used to establish a BGP peering session (see Jacob, col. 4 lines 53-67);

automatically discovering the at least one neighbor utilizing said received BGP peering information (see Unbe; par. 0005, and 0020); and

automatically establishing an iBGP session with the at least one neighbor to establish an iBGP mesh (see Unbe; par. 0005-0006, and 0020) ; see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 27 (currently amended): A network system that establishes an iBGP mesh in a network (Unbe; fig. 2), comprising:

a first network device flooding iBGP peering information comprising static configuration parameters (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*); and

at least one other network device that receives the iBGP peering information, automatically discovers at least one neighbor utilizing said received BGP peering information (see Unbe; par. 0005, 0020 and 0026), automatically establishes an iBGP session with the at least one neighbor to establish an iBGP mesh (see Unbe; par. 0005-0006, and 0020) ; see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 28 (currently amended): A computer-readable storage medium encoded with a computer program that establishes an iBGP mesh in a network (Unbe; fig. 2), the computer program comprising:

computer code that configures a processor to receive iBGP peering information flooded from a network device, the iBGP peering information comprising static configuration parameters computer code that configures a processor to automatically at least one neighbor utilizing said received BGP peering information (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) used to establish a BGP peering session (see Jacob, col. 4 lines 53-67); and

computer code that automatically establishes an iBGP session with the at least one neighbor to establish an iBGP mesh (see Unbe; par. 0005-0006, 0020, and 00026) ; see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

Claim 29 (currently amended): A network system that establishes an iBGP mesh in a network (Unbe; fig. 2), comprising:

means for receiving iBGP peering information flooded a network device, the iBGP peering information comprising static configuration parameters (Unbe; par. 0019, and 0020; *note peering information regarding edge provider devices 16 with configuration information such and identifier for the VPN*) used to establish a BGP peering session (see Jacob, col. 4 lines 53-67) ;

a-means for automatically discovering at least one neighbor utilizing said received BGP peering information (see Unbe; par. 0005, and 0020); and

a-means for automatically an iBGP session with the at least one neighbor to establish an iBGP mesh (see Unbe; par. 0005-0006, and 0020) ; see also (see Jacob, col. 2, lines 28-37; col. 4, lines 26-39, 53-67).

### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday- r Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on (571) 272-4071. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2443

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JJG

June 21, 2009